

### **REMARKS/ARGUMENTS**

Claims 1-68 are pending in the application. Claims 4-13, 14-18, 19-24, 26-29, 32, 35, 36, 45, 46, 55, 67, and 68 have been withdrawn pursuant to a requirement for restriction. The Examiner has acknowledged that claims 1 and 54 are generic, and has indicated that claims 54 and 56-66 are allowable. In this paper, claims 1-53 have been canceled without prejudice.

#### **Allowed Claims**

The Examiner has indicated that claims 54 and 56-66 are allowable. MPEP §809.02(c) states:

(B) When a generic claim is subsequently found to be allowable, and not more than a reasonable number of additional species are claimed, treatment shall be as follows:

(1) When all claims to each of the additional species are embraced by an allowable generic claim as provided by 37 CFR 1.141, applicant must be advised of the allowable generic claim and that **claims drawn to the nonelected species are no longer withdrawn** since they are fully embraced by the allowed generic claim. (Emphasis added.)

Because claim 54 is generic and allowable, claims 55, 67, and 68 are also allowable. Applicants request the reinstatement of claims 55, 67, and 68, and the allowance of claims 54-68.

#### **Objection to Drawings**

The Examiner objects to the drawings under 37 CFR 1.83(a). The objection is traversed.

The Examiner asserts that the drawings do not illustrate a nail plate called for in claim 37. However, the figures clearly illustrate the nail plate called for in claim 37.

The specification states: "In the example embodiment shown in Figures 1-4, the first engagement portion 12 generally comprises a plate 20 having several rearwardly-extending fasteners 22 adapted to be press-fit into a wooden member, such as a roof truss chord, during a

manufactured truss forming operation. In the example embodiment shown in Figures 1-4, the fasteners 22 comprise a nail plate configuration, typically formed by a stamping operation which rearwardly deforms several pointed tangs which can be integrally formed with a wood member during a stamping operation." *See, Application, ¶[0072], ln. 5-13.* With respect to subsequent embodiments, the specification provides that like elements are referred to with identical reference numerals. Thus, each figure that references element 20 references a nail plate. These figures include Figures 1-4, 6, 7, 9, 10, 12, 13, 15, 16, 18-23, 25, 26, 28, and 29. Thus, the figures adequately illustrate the nail plate called for in claim 37.

Nevertheless, claim 37 has been canceled without prejudice. Thus, the objection is moot. Applicants request withdrawal of the objection and the acceptance of the drawings.

#### **Rejection Under 35 U.S.C. §102(b)**

Claims 1-3, 25, 30, 31, 33, 34, 38, 39, 43, 44, 48, 49, and 51-53 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,109,646 to Colonias et al. The rejection is traversed.

Claims 1-3, 25, 30, 31, 33, 34, 38, 39, 43, 44, 48, 49, and 51-53 have been canceled without prejudice. Thus, the rejection is moot. Applicants request withdrawal of the objection.

#### **Rejections Under 35 U.S.C. §103(a)**

Claims 37, 40-42, 47, and 50 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Colonias '646 in view of U.S. Patent No. 6,171,043 to Williams. The rejection is traversed.

Claims 37, 40-42, 47, and 50 have been canceled without prejudice. Thus, the rejection is moot. Applicants request withdrawal of the objection.

Serial No. 10/605,595  
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Page 7 of 7

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### CONCLUSION

It is respectfully submitted that all of the claims in the application are allowable over the prior art of record. If there are any outstanding issues which the Examiner feels may be resolved by way of telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues.

Respectfully submitted,

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